

# *Pesticides*

## **Pesticide Recordkeeping Requirements for Private Applicators**

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### **Introduction**

The Food, Agriculture, Conservation and Trade (FACT) Act of 1990, commonly referred to as the 1990 Farm Bill, requires private pesticide applicators to keep records of restricted-use chemicals they apply. This law went into effect May 10, 1993.

This law is administered by the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS). Through grants from USDA-AMS, the Tennessee Department of Agriculture (TDA) survey farms to see if farmers are keeping records of their pesticide application.

### **Private Applicators**

A private applicator is a certified applicator who uses or supervises the use of a restricted-use chemical on his/her property. In Tennessee this may be a farm, greenhouse or nursery.

All other applicators who use restricted-use chemicals are considered to be commercial applicators.

### **Importance of Recordkeeping**

Recordkeeping is very important. It is a part of good integrated crop management practices. Good records can improve insect, disease and weed control; avoid crop problems; improve your bottom line (profit); and help keep effective chemicals available in the future.

Many farmers were keeping records long before it was required by law. But, if you have not been keeping records, now is the time to start. It is the law for restricted-use pesticides. However, good management would also dictate you keep records of all pesticide applications.

### **Federal Requirements**

The records of restricted-use pesticide applications

must be maintained for two years. You will know if you are using a restricted-use pesticide by reading the label. The label will have a statement on the front indicating that it is restricted.

The regulations do not require the use of a standardized form. However, the USDA-AMS has available a recordkeeping manual with information on recordkeeping and forms that may be used. These forms are available from the following Internet Web site: <http://www.ams.usda.gov/pesticiderecords>. Also, Form 808 has been developed by The University of Tennessee Extension Service for the convenience of farmers. This form addresses the requirements of USDA and the Worker Protection Standards (WPS). An example of this form is given at the end of this publication. This form may also be found on the Pesticide Safety Education Web site, <http://psep.utk.edu>.

To keep accurate records, it is strongly suggested that your information be recorded immediately following application or at the end of the day. However, the law requires that it be recorded within 14 days following the pesticide application.

### **Accessing Records**

A Private Applicator's records can be inspected at any time by authorized representatives of the U.S. Department of Agriculture and State pesticide regulatory agencies who present identification. In addition, a licensed health-care professional, or someone working under a licensed health-care professional's supervision, can request the record information at any time following an application when treating individuals who may have been exposed to restricted-use pesticides.

A licensed health care professional is defined by USDA as a physician, nurse, emergency medical technician or other qualified individual who is licensed or certified by a state to provide medical treatment.

### **Penalties**

Any Private applicator who violates the recordkeeping requirements of the USDA shall be subject to a civil penalty of not more than \$650 in the case of the first offense and not less than \$1,100 for any subsequent offense.

### **Summary**

This fact sheet includes the requirements for private applicator recordkeeping. These requirements are different from those for commercial applicators, which are discussed in SP 363-G, **Pesticide Recordkeeping Requirements for Commercial and Licensed Applicators and Dealers**. Extension Form 805 with these requirements is also available from The University of Tennessee Extension Service.

There are also computer programs available from private industries and universities. The University of Tennessee has developed a computer program for recordkeeping which is now available, PB 1597, **Pesticide Recordkeeping Program Version 1.0**.

## QUICK REFERENCE CHART FOR PESTICIDE RECORDKEEPING REQUIREMENTS FOR PRIVATE APPLICATORS

Required Items	Restricted Use Pesticides USDA-FRRP Requirement for Certified Private Applicators	Agricultural Use Pesticides EPA-WPS Requirements for Agricultural Employers
Applicator Legal Name	√	--
Applicator Certification Number	√	--
Date of Application	√	√ (Plus Time of Application)
EPA Registration Number	√	√
Active Ingredients	--	√
Brand Name / Product Name	√	√
Crop, Commodity or Site	√	--
Restricted Entry Level (REI)	--	√
Size of Area Treated	√	--
Total Amount Applied	√	--
Field ID / Location	√	√
Complete Record	Within 14 days of application Keep 2 years	Before application. Keep 30 days after the REI expiration

Note: Spot Treatments are applications made to less than 1/10th of an acre. Application of a herbicide along a fence row or an insecticide applied to a fire ant mound would be examples of spot treatments. (Note: Greenhouse and nursery treatments do not qualify as spot treatments.) For spot treatments, describe location of area treated (for example, poison ivy along the fence row of the Smith Farm), indicate "spot treatment," and record the following:

- Brand or product name.
- EPA registration number.
- Month, day and year.
- Total amount applied.
- Location.

## - Private Applicator - Pesticide Recordkeeping Form for RUP's<sup>1</sup> and WPS<sup>2</sup>

USDA – Maintain records for a period of two years. WPS – Display before the application takes place and do not remove until at least 30 days after the REI expires or at least 30 days after the end of the application, if no REI.

<b>REQUIRED</b> <b>Spot Application Only (1, 3, 4, 6 &amp; 10)</b>										
1. Field ID / Location  <i>(USDA &amp; WPS Required)</i>	2. Applicator Legal Name & Certification No.  <i>(USDA Required)</i>	3. Date of Application <i>(USDA &amp; WPS Required)</i> <hr/> <b>4. Time of Application</b> <i>(WPS Required)</i>	5. EPA Reg. No.  <i>(USDA &amp; WPS Required)</i>	6. Active Ingredients  <i>(WPS Required)</i>	7. Brand Name / Product Name  <i>(USDA &amp; WPS Required)</i>	8. Crop, Commodity, Stored Product, or Site  <i>(USDA Required)</i>	9. Restricted Entry Interval (REI)  <i>(WPS Required)</i>	10. Size of Area Treated  <i>(USDA Required)</i>	11. Total Amount Applied  <i>(USDA Required)</i>	
1.		_____ -								
2.		_____ -								
3.		_____ -								
4.		_____ -								

Notes:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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<sup>1</sup>RUP's = Restricted Use Pesticides

<sup>2</sup>WPS = Worker Protection Standards